

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
:
-v- : 18-CR-528-1 (JMF)
:
HUBERT DUPIGNY, : ORDER
:
Defendant. :
:
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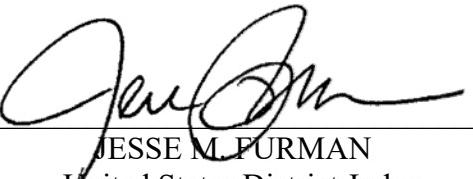
JESSE M. FURMAN, United States District Judge:

On November 16, 2022, the Court received a letter, from Defendant, postmarked November 9, 2022. *See* ECF No. 398. To the extent that the letter inquires about a certificate of appealability, the Court construes it to be a motion for a certificate of appealability. As Defendant has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c); *see also, e.g., Matthews v. United States*, 682 F.3d 180, 185 (2d Cir. 2012). In addition, the Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from this Order would not be taken in good faith, and *in forma pauperis* status is thus denied. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). To the extent that the letter inquires about the effects of the Court's Memorandum and Order of October 26, 2022, on a future Section 2255 motion, the Court declines to answer on the ground that it would constitute an impermissible advisory opinion.

The Clerk of Court is directed to mail a copy of this Order to Defendant at:

Reg. No. 56457-054
FCI Ray Brook
P.O. Box 900
Ray Brook, NY 12977

Dated: November 16, 2022
New York, New York



JESSE M. FURMAN
United States District Judge